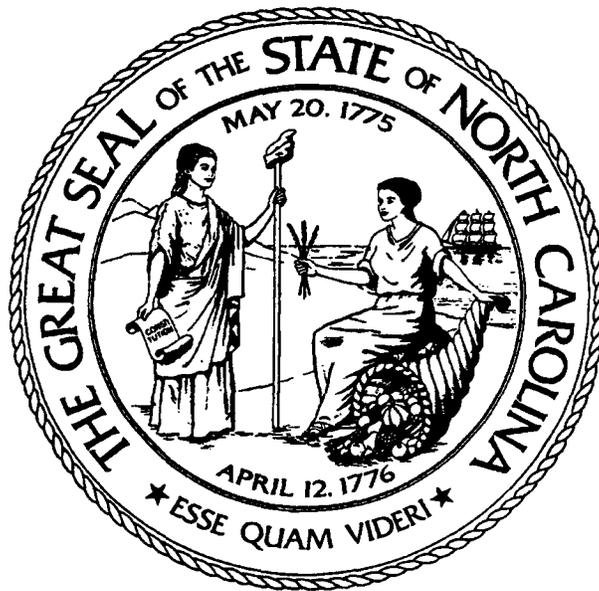


**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA
Town of Bermuda Run
March 25, 1999**

REPORT TO THE GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE
TOWN OF BERMUDA RUN
MARCH 25, 1998

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The criteria includes specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on October 27, 1998 received a petition proposing the incorporation of the Town of Bermuda Run in Davie County. A copy of the petition is attached as Appendix C.

Upon receiving the petition, the Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-161. The Division made the evaluation (a copy of which is attached as Appendix D), and based on that evaluation, the Commission on January 28, 1999 found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met.

The Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170 upon receiving clarification from the Village of Clemmons and the City of Winston-Salem as to whether they approved the incorporation of the Town of Bermuda Run. The Village of Clemmons provided a resolution expressly approving the incorporation but the City of Winston-Salem refused to provide such a resolution. The Division made the evaluation (a copy of which is attached as Appendix E), and found that the statutory requirements have been met if the Commission determines that the Yadkin River is a major river separating the proposed Town of Bermuda Run from the City of Winston-Salem such that the provision of services by the City to the proposed Town is infeasible or cost prohibitive.

On March 12, 1999, the Commission held a public hearing on the incorporation of the Town of Bermuda Run in Winston-Salem, North Carolina. Ten persons spoke in favor of incorporation and three spoke in opposition.

The Commission finds that the Yadkin River is a major river as provided in G.S. 120-166(b)(2), making the provision of services from the City of Winston-Salem to the proposed Town of Bermuda Run infeasible or the cost prohibitive. The Commission further finds that the proposed Town of Bermuda Run meets the standards required by Article 20 of Chapter 160A of the General Statutes, and recommends incorporation of the area as the Town of Bermuda Run.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS

1997-1999

Membership

Pro Tem's Appointments

The Honorable Wib Gulley
PO Box 3573
Durham, NC 27702

The Honorable Fletcher L. Hartsell, Jr.
PO Box 368
Concord, NC 28026

Mr. Ronald R. Kimble, Manager
City of Greenville
PO Box 7207
Greenville, NC 27835

Staff

Gerry Cohen
Bill Drafting Division
(919) 733-6660

Gayle Moses
Bill Drafting Division
(919) 733-6660

Speaker's Appointments

The Honorable Cary D. Allred
4307 Sartin Road
Burlington, NC 27217

The Honorable J. Samuel Ellis
3513 Auburn-Knightdale Road
Raleigh, NC 27610

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, NC 27536

Clerk

Carol Resar
408 LOB
(919) 715-3036

APPENDIX B

ARTICLE 20.

Joint Legislative Commission on Municipal Incorporations. Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

§120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

§120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be

provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

§120-162. Reserved for future codification purposes.

PART 2. Procedure for Incorporation Review.

§120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

§120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

***** § 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by

the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

*** The 1998 amendment, effective November 1, 1998, rewrote subdivision (b)(3), which formerly read "The nearby municipality by resolution expresses its approval of the incorporation; or". The amendment is applicable to annexations for which the resolution of intent is adopted on or after November 1, 1998, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that effective date.

§120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

§120-168. Additional criteria; development.

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

§120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

***** § 120-169.1. Additional criteria; level of development, services.**

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.
- (8) Adoption of citywide planning and zoning.

******* This section becomes effective November 1, 1998, is applicable to annexations for which the resolution of intent is adopted on or after that date, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that date.

§120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

§120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along

with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

§120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

§120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

§120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

§120-175 through 120-179: Reserved for future codification purposes.

APPENDIX C

NORTH CAROLINA)
)
)
)
)
DAVIE COUNTY)

PETITION FOR THE INCORPORATION
 OF
BERMUDA RUN AS A MUNICIPALITY

It is proposed that Bermuda Run be incorporated as a municipality on the following terms:

1. The proposed name shall be the Town of Bermuda Run.
2. A map of the proposed Town is attached as Exhibit 2.
3. The list of proposed services to be provided by the Town is as follows:
 - a. Streets
 - b. Sewer Service
 - c. Storm Drain Service
 - d. Water Service
 - e. Security and Law Enforcement
 - f. Street Lights
 - g. Snow Removal
 - h. Postal Service
 - i. Planning and Zoning
 - j. Building and Code Inspections
4. The names of the persons to serve as an interim governing body are:
 - a. Clyde J. Gardner
 - b. Robert W. Griffin
 - c. Charles H. Quinn
 - d. Bob L. Cornish
 - e. Edwin J. Titsworth
5. The proposed Charter for the Town is attached hereto as Exhibit 5.
6. The estimated population of the Town is one thousand six hundred fifty (1,650) Residents.
7. The estimated assessed property valuation for the Town is one hundred ninety million (\$190,000,000) dollars.

8. The degree of development is that the Town is basically fully developed as a residential community with two (2) golf courses.
9. The estimated population density for the Town is 1.65 Residents per acre.
10. The recommended governing body is the Council-Manager form consisting of a four (4) Member Town Council and a Mayor. All candidates for the Town Council shall be nominated and elected by all qualified voters of each of the four (4) Districts on a nonpartisan basis. The Mayor shall be nominated and elected by all the qualified voters of the Town on a nonpartisan basis. Members of the Council are to be elected by Districts to four (4) year terms with staggered elections. The Mayor shall be elected to a four (4) year term of office. Elections shall be determined by a majority of votes cast.
11. The proposed Town does not contain any non-contiguous areas.

EXHIBIT 2

PETITION FOR THE INCORPORATION
OF
BERMUDA RUN AS A MUNICIPALITY

MAP

NOTE: Area includes all of Bermuda Run within
the fences and the 110 acres across
Highway 801 known as Bermuda Run West.

City of 1988



Hillside Area



EXHIBIT 5

**CHARTER OF THE TOWN
OF BERMUDA RUN**

Chapter I

Incorporation and Corporate Powers

- 1.1 Incorporation and corporate powers. The inhabitants of the Town are a body corporate and politic under the name "Town of Bermuda Run." The Town of Bermuda Run has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

Chapter II

Corporate Boundaries

- 2.1 Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Bermuda Run are as follows:

Being the following tracts and parcels of land located in Davie County, North Carolina and being more particularly described as follows:

TRACT 1:

BEGINNING at an iron pin located in the western right-of-way line of N.C. Hwy. 801, said iron pin being the southeast corner of the property owned, now or formerly, by Thad J. Bingham (Deed Book 155, Page 348) running thence with the western right-of-way line of N.C. Hwy. 801 South 08° 10' 24" East 1912.47 feet to an iron pin; thence leaving the right-of-way line of N.C. Hwy. 801, South 72° 59' 35" West 15.00 feet to an iron pin marking the northeast corner of Lot 1 Hidden Creek; thence with the northern line of Lot 1, South 72° 59' 35" West 224.95 feet to an iron pin at the northwest corner of Lot 1 and the northeast corner of Lot 2 Hidden Creek; thence with the northern line of Lots 2 and 3 Hidden Creek, South 66° 20' 15" West 360.27 feet to an iron pin located at the northwest corner of Lot 3 and the northernmost corner of Lot 4 Hidden Creek; thence with the northwest lines of Lots 4 and 5 Hidden Creek, South 35° 56' 00" West 303.72 feet to an iron pin located at the westernmost corner of Lot 5 Hidden Creek and in the northeast line of Hyfield Drive; thence crossing Hyfield Drive and with the northwest lines of Lots 6, 7 and 8 Hidden Creek, South 47° 14' 57" West 399.60 feet to an iron pin located at the northwest corner of Lot 8 and the northeast

corner of Lot 9 Hidden Creek; thence with the eastern lines of Lots 34, 35, 36, 37, 38, 39 and 40 Hidden Creek (and crossing Creekside Drive between Lots 37 and 38) North 10° 45' 05" West 920.73 feet to an iron pin; thence with the northeast lines of Lots 40, 41, 42 and 43 Hidden Creek, North 41° 21' 21" West 493.44 feet to an iron pin at the northernmost corner of Lot 43 Hidden Creek, said iron pin also being in the southeast line of Seldem Farm Lane; thence with the southeast line of Seldem Farm Lane, North 48° 46' 18" East 40.00 feet to an iron pin; thence crossing Seldem Farm Lane and with the northeast line of Lot 44 Hidden Creek, North 41° 22' 04" West 260.00 feet to an iron pin; thence with the northwest lines of Lots 44, 45, 46 and 57 Hidden Creek (and crossing Talwood Drive between Lots 45 and 46) South 48° 39' 39" West 630.21 feet to an iron pin; thence South 26° 20' 51" East 144.72 feet to an iron pin located in the northern line of Creekside Drive; thence with the line of Creekside Drive on a curve to the left having a radius of 59.00 feet, a length of 131.81 feet, a chord bearing and distance of South 29° 12' 34" West 106.06 feet to a point; thence leaving the right-of-way line of Creekside Drive, South 55° 12' 28" West 105.00 feet to an iron pin; thence South 04° 47' 21" East 510.00 feet to an iron pin located at the northeast corner of the property owned, now or formerly, by Ralph and Renai Holland (Deed Book 176, Page 558); thence with the northern line of said Holland, North 87° 21' 41" West 596.11 feet to an iron pin located in the eastern line of property owned, now or formerly, by Oak Valley Associates (Deed Book 169, Page 331); thence with the eastern line of Oak Valley, North 04° 11' 45" East 1830.87 feet to a post located in the southern line of property owned, now or formerly, by Ervin and Eva Wilson (Deed Book 42, Page 468); thence with the southern line of said Wilson, North 73° 05' 24" East 38.74 feet to a concrete post located at Wilson's southeast corner; thence with the eastern line of Wilson and continuing with the eastern line of property owned, now or formerly, by William and Peggy Long (see Estate File 90E-127), North 02° 42' 46" East 593.04 feet to a concrete post located at the northeast corner of Long and located in the southern line of property owned, now or formerly, by Roy L. Potts (Deed Book 112, Page 274); thence with the southern line of Potts, South 87° 31' 30" East 950.91 feet to an iron pin located at the southeast corner of Roy L. Potts and at the southwest corner of Thad J. Bingham (Deed Book 155, Page 348); thence with the southern line of Bingham, South 86° 34' 27" East 1351.89 feet to the point and place of BEGINNING and containing approximately 116.501 acres, more or less, as shown on the survey prepared by Marvin S. Cavanaugh & Associates dated March 27, 1998, Drawing No. 98-40B, reference to which is hereby made for a more particular description.

TRACT 2:

All of the property in Davie County, North Carolina, located:

- (A) West of the Yadkin River;

- (B) South of the center line of U.S. Hwy. 158;
- (C) East of the center line of N.C. Hwy. 801; and

(D) North of a line described as follows: BEGINNING at an iron pin located at the intersection of the eastern line of N.C. Hwy. 801 and the northern line of Lybrook Drive (S.R. 1660) and running with the northern line of Lybrook Drive and the southern line of Jamesway Subdivision, North $80^{\circ} 55' 58''$ East approximately 1,346 feet to the southwest corner of property owned by John C. Brendle (Deed Book 120, Page 448); thence with the western line of Brendle and Philip McKenzie (Deed Book 94, Page 503), in a northerly direction approximately 815 feet; thence continuing with the line of McKenzie in a easterly direction of 42 feet; thence continuing with the western line of McKenzie in a northerly direction approximately 262 feet to the southern line of Jamesway Subdivision; thence with the northern line of McKenzie, South $78^{\circ} 58' 16''$ East 158.01 feet; thence South $04^{\circ} 21' 19''$ East 55.69 feet; thence in a southeasterly direction with the northeast line of McKenzie approximately 87 feet to the western line of Highlands at Bermuda Run Subdivision (Plat Book 6, Page 17 and 18); thence in a southerly direction approximately 1,527 feet with the western line of Lots 20, 19, 18, 17, 16, 15, 14 and 13 to a point located in the northern line of Lots 13 Raintree Estates; thence with the northern line of said Lot 13 Raintree Estates and the southern line of Lot 13 of the Highlands Subdivision, South $75^{\circ} 29' 22''$ East 77.63 feet to an iron pin; thence with the center of a branch in an easterly direction with the southern lines of Lots 13 and 12 Highlands Subdivision, and the northerly line of Gary Honbarrier (Deed Book 142, Page 640), approximately 475 feet to the southeast corner of Lot 12 Highlands; thence South $61^{\circ} 55' 26''$ East 38.12 feet to a point; thence South $23^{\circ} 38' 27''$ East 238.04 feet to a point; thence South $23^{\circ} 35' 52''$ East 44.80 feet to a monument; thence South $85^{\circ} 37' 48''$ East 304.96 feet to a stone and North $74^{\circ} 32' 02''$ East 540.71 feet to an iron located on the western bank of the Yadkin River, it being the intention to include, without limitation, all the property conveyed to: (1) WFBRC, LLC at Book 201, Page 445; Bermuda Village, Inc. at Book 117, Page 197; William A. Burnette at Deed Book 130, Page 233, Deed Book 158, Page 828 and Book 162, Page 775; and all property shown on the following plats recorded in the Davie County Registry: (1) Highlands at Bermuda Run (Plat Book 6, Pages 17 and 18); (2) River Hill (Plat Book 5, Page 212 and 213); (3) Jamesway at Bermuda Run (Plat Book 6, Pages 46, 47 and 48); (4) Hamilton Court (Plat Book 5, Pages 195, 203, 207 and 224); (5) Pembroke Ridge (Plat Book 5, Page 145); (6) St. George Place (Plat Book 5, Page 192); (7) Bermuda Run Golf and Country Club (Plat Book 4, Pages

79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 103, 116, 148, 156; Book 5, Pages 2,13,15,24, 28, 31, 32, 34,36,39,43,44,45,46,86,94,100) and (8) Warwick Place (Plat Book 5, Page 171.

Less and except, however, that certain property located Southeast of the intersection of U.S. Hwy. 158 and North Carolina Hwy. 801 and being shown on Davie County Tax Map D-8-8, and designated as parcels C-2, C-3, C-4, C-5, C-5.01, C-7, C-8 and D-8.

TRACT 3:

All property located within the right-of-way of N.C. Hwy. 801 to the extent such segment of the right-of-way is bounded on the west by Tract 1 above AND on the east by Tract 2 above.

2.2 Electoral District Boundaries. Until modified in accordance with law, the boundaries of the four (4) Electoral Districts of the Town of Bermuda Run are as follows:

- a. Bermuda Village District consisting of residents of Bermuda Village.
- b. South District consisting of residents of Hamilton Court, Pembroke Ridge, St. George, River Hills, Jamesway, Highland Hills and Warwicke subdivisions.
- c. Multifamily District consisting of residents of the Maisonettes, FairWay Villas, Spy Glass Hill, Golfview and the Lakes subdivisions.
- d. North District consisting of all of the residents of Bermuda Run not included in the other Districts as set forth above.

The Members of the Town Council shall set and change the boundaries of and add or delete Electoral Districts by Resolution.

Chapter III

Governing Body

- 3.1 Structure of Governing Body and Number of Members. The governing body of the Town of Bermuda Run shall be the Town Council which shall have four (4) Members and the Mayor.
- 3.2 Manner of Electing Council. The Town is divided into four (4) Electoral Districts. The qualified voters of each District shall nominate one or more individuals and then elect one (1) Member of the Town Council. To be eligible for nomination and election to the Council from a District and for service on the Council as the Member for a District, an individual must reside in the District.
- 3.3 Term of Office of Council Members. Members of the Council shall be elected to four (4) year terms. In 1999, four (4) Members of the Council shall be elected. The two (2) persons receiving the highest number of votes shall be elected for four (4) year terms and the two (2) persons receiving the next highest number of votes shall be elected for two (2) year terms. In 2001, and bi-annually thereafter, two (2) Members of the Council shall be elected for four (4) year terms.
- 3.4 Election of Mayor and Term of Office. The qualified voters of the entire Town shall nominate and elect the Mayor. A Mayor shall be elected to a four (4) year term of office. The Mayor of Bermuda Run shall have the right to vote only to break ties votes of the Council Members. In determining a quorum, the Mayor shall be treated as a Member of the Council.

Chapter IV

Elections

- 4.1 Conduct of Town elections. Town officers shall be nominated and elected on a nonpartisan as provided in the North Carolina General Statutes Section 163-294.
- 4.2 Date of election. Elections shall be conducted in accordance with Chapter 163 of the North Carolina General Statutes with the first election of Town officers on _____, 1999.

Chapter V

Administration

- 5.1 Town to Operate under Council-Manager Form. The Town of Bermuda Run will operate under the Council-Manager plan as proved in General Statue Chapter 160A, Article 7, Part 2 and any other Charter provision not in conflict therewith.
- 5.2 Officers and Employees. The Council may appoint such officers and employees as may be necessary, none of whom need be a resident of the Town at the time of appointment. Such employees or officers shall serve at the pleasure of the Council. The Council shall fix all salaries, prescribe bonds, and require such oaths as they may deem necessary.
- 5.3 Town Clerk. The Council may appoint a Town Clerk. The Town Clerk may keep the records of the Council and perform other duties as may be required by law or the Council.

- 5.4 Assignment of Duties. The Council may assign additional functions or duties to offices, departments, or agencies. Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter.
- 5.5 Transitional Government. Until the Mayor and Members of the Town Council are elected in 1999, in accordance with the Town Charter and the law of North Carolina, officers of the Bermuda Run Incorporation Committee shall serve as the interim governing body. Clyde J. Gardner, the Chairman of the Incorporation Committee shall be the Interim Mayor and the following members of the Committee shall serve as Interim Council Members until the results of the 1999 election are certified and the newly elected successors take office: Robert W. Griffin, Charles H. Quinn, Bob L. Cornish and Edwin J. Titsworth. Vacancies in the Interim Council shall be filled by appointment made by the remaining Members. A vacancy in the office of Interim Mayor shall be filled by appointment made by the Incorporation Committee.
- 5.6 Organizational Meeting. The first Council meeting will be the organizational meeting.
- 5.7 Taxes. From and after July 1, 1998, the citizens and property in the Town of Bermuda Run shall be subject to municipal taxes levied for the fiscal year beginning July 1, 1998 and for that purpose, the Town shall obtain from Davie County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1998.

5.8 Budget. The Town may adopt a budget ordinance for fiscal year 1998-1999 without following the timetable in the local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the Act insofar as is practical.

Chapter VI

Special Provisions

6.1 Annexation. The Town of Bermuda Run will not annex any property to the Town without the vote or consent of a majority of the residents of any such property.

6.2 Property Taxes. The Town of Bermuda Run will not increase its property tax rates in excess of fifteen (\$0.15) cents per one hundred (\$100) dollars of valuation without the vote or consent of a majority of the residents of the Town.

6.3 Income Taxes. The Town of Bermuda Run will not levy or assess any income taxes without the vote or consent of a majority of the residents of the Town.

DAVIE COUNTY BOARD OF ELECTIONS

140 South Main Street
Courthouse - Room 103
Mocksville, N.C. 27028-2425
Phone (336) 751-2027

H. P. Van Hoy, II, Chairman
J. Kermit Smith, Secretary
Richard L. Hendrix, Member
Margaret C. Shew, Director



October 26, 1998

TO: Whom It Concerns - Bermuda Run Incorporation
FROM: Margaret C. Shew, Davie County Director of Elections
RE: Petition/Ballot

This is to verify that we have received a total of 384 Petition/Ballots regarding the proposed incorporation of Bermuda Run as a Municipality.

In reviewing each of these forms I have found a total of 342 to be registered voters, and there were 42 signers who were not registered.

Of the 342 who are eligible to vote:
241 signed "For" incorporation
101 signed "Against" incorporation

I personally counted a total of 1,417 residents of Bermuda Run and Village to be registered voters in Davie County.

The original petition/ballots may be picked up from this office.

If there is additional information requested, please call.

MCS:mcs

NORTH CAROLINA)
)
)
)
)
)
 DAVIE COUNTY)

**NOTICE OF INTENT TO INCORPORATE
 BERMUDA RUN AS A MUNICIPALITY**

NOTICE is hereby given that the residents of Bermuda Run are in process of filing a Petition to incorporate Bermuda Run as a municipality with the Joint Legislative Commission on Municipal Incorporation of the North Carolina Legislature.

For any additional information, please contact Don R. House, Attorney at Law, 3325 Healy Drive, Winston-Salem, North Carolina 27103, telephone number (336) 768-2225.

Mocksville, N. C. _____ NOVEMBER 13, 19 98

DAVIE COUNTY ENTERPRISE RECORD

NOTICE OF INTENT TO INCORPORATE BERMUDA RUN AS
A MUNICIPALITY

NORTH CAROLINA
DAVIE COUNTY

ATTEST: OF PUBLICATION

Before the undersigned, a Notary Public of Davie County and North Carolina duly commissioned, qualified and authorized by law to administer oaths, personally appeared Douglas Speake, who being first duly sworn, deposes and says that he is Publisher-Editor of a newspaper known as DAVIE COUNTY ENTERPRISE-RECORD, published, issued and entered as second class mail in the City of Mocksville in Davie County and North Carolina, that he is authorized to make this affidavit and sworn statement, that the notice or other legal advertisement a true copy of which is attached hereto was published in DAVIE COUNTY ENTERPRISE-RECORD on the following dates:

11-05-98
11-12-98

Douglas Speake

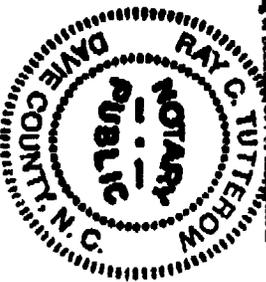
This 13 day of NOVEMBER 19 98

Subscribed to and attested before me:

On 13 day of November 19 98

Ray C. Tutterow NOTARY PUBLIC

My commission expires August 31, 2000



DAVIE COUNTY
NOTICE TO BE PUBLISHED IN THE ENTERPRISE-RECORD AS A MUNICIPALITY
NOTICE is hereby given that the residents of Bermuda Run are in process of filing a Petition to incorporate Bermuda Run as a municipality with the Joint Legislative Commission of Municipal Incorporation of the North Carolina Legislature.
For any additional information, please contact Don R. Hester, Attorney at Law, 3025 Healy Blvd., Winston-Salem, North Carolina 27103, telephone number (336) 708-2223.

11-5-201

HOUSE & INGERSOLL, PLLC

FILE COPY

ATTORNEYS AT LAW

3525 HEALY DRIVE

WINSTON-SALEM, NORTH CAROLINA 27103

DON R. HOUSE
MARC W. INGERSOLL

October 21, 1998

(336) 768-2225
FAX (336) 768-3369
DRHMWILAW@aol.com

Town of Clemmons
Post Office Box 1710
Clemmons, North Carolina 27012

Town of Cooleemee
Post Office Box 1080
Cooleemee, North Carolina 27014

Town of Mocksville
171 Clement Street
Mocksville, North Carolina 27028

Davie County Commissioners
123 South Main Street
Mocksville, North Carolina 27028

RE: Town of Bermuda Run

Dear Sirs:

Notice is hereby given that the residents of Bermuda Run are filing a Petition with the North Carolina Legislation to incorporate Bermuda Run as a municipality.

If you have any questions or I can be of further service, please let me know.

SUBRAM Corda,

HOUSE & INGERSOLL, PLLC



Don R. House

DRH:rme

cc: Mr. Don G. Angell
Ms. Susan Bjerke

APPENDIX D

**Assessment of Petition
by
Bermuda Run
for
Incorporation**

Relative to NC G.S. 120-166.

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from Bermuda Run as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Bermuda Run' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,000
5 miles	50,000 and over

According to the 1990 Census, the Town of Clemmons (1990 Census population 6,020) was the only municipality within one (1) mile of the proposed boundaries for Bermuda Run. The 1990 population of Clemmons meets the 5,000 threshold. There are no municipalities within three (3) miles that have a 1990 Census population of at least 10,000. Lewisville (1990 Census population 3,206) is within four (4) miles of the proposed new town. However, it does not meet the 25,000 threshold. Winston-Salem (1990 Census population 143,485) is five (5) miles of the proposed new town and it meets the 50,000 threshold.

The proposed new Town of Bermuda Run is not entirely on an island so Subsection (b)(1) does not apply. Bermuda Run is separated from both Clemmons and Winston-Salem by the Yadkin River so Subsection (b)(2) may apply. Finally, the petition indicated no evidence that Subsection (b)(4) applies (a petition for annexation to nearby city that was not approved).

Please note that the metes and bounds description and map presented in the petition were not completely consistent. Also, the information currently available to DCA was not sufficient to confirm any of the inconsistencies. A metes and bounds description is attached to this report. **Bold text that is underlined** in the attachment highlights areas of concern. Please also note that none of those concerns highlighted in the metes and bounds attachment materially affect the outcome of this assessment of the petition relative to NC G.S. 120-166.

The Commission is not precluded from making a positive recommendation on the petition for incorporation relative to the proposed Town of Bermuda Run if, in accordance with NC G.S. 120-166.(b)(2), the Yadkin River is deemed to make servicing from Clemmons or Winston-Salem infeasible or cost prohibitive.

Otherwise, the Commission is precluded from making a positive recommendation unless both the Town of Clemmons and the City of Winston-Salem, in accordance with NC G.S. 120-166.(b)(3), express their approval of the incorporation by resolution.

Information sources: The foregoing assessment was based on information contained in the petition, GIS data provided by Davie County and the most recently updated DOT GIS data that was provided by NC CGIA. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 1990 population values were retrieved from the US Census Bureau web site (<http://www.census.gov/cgi-bin/gazetteer>).

Note: 1

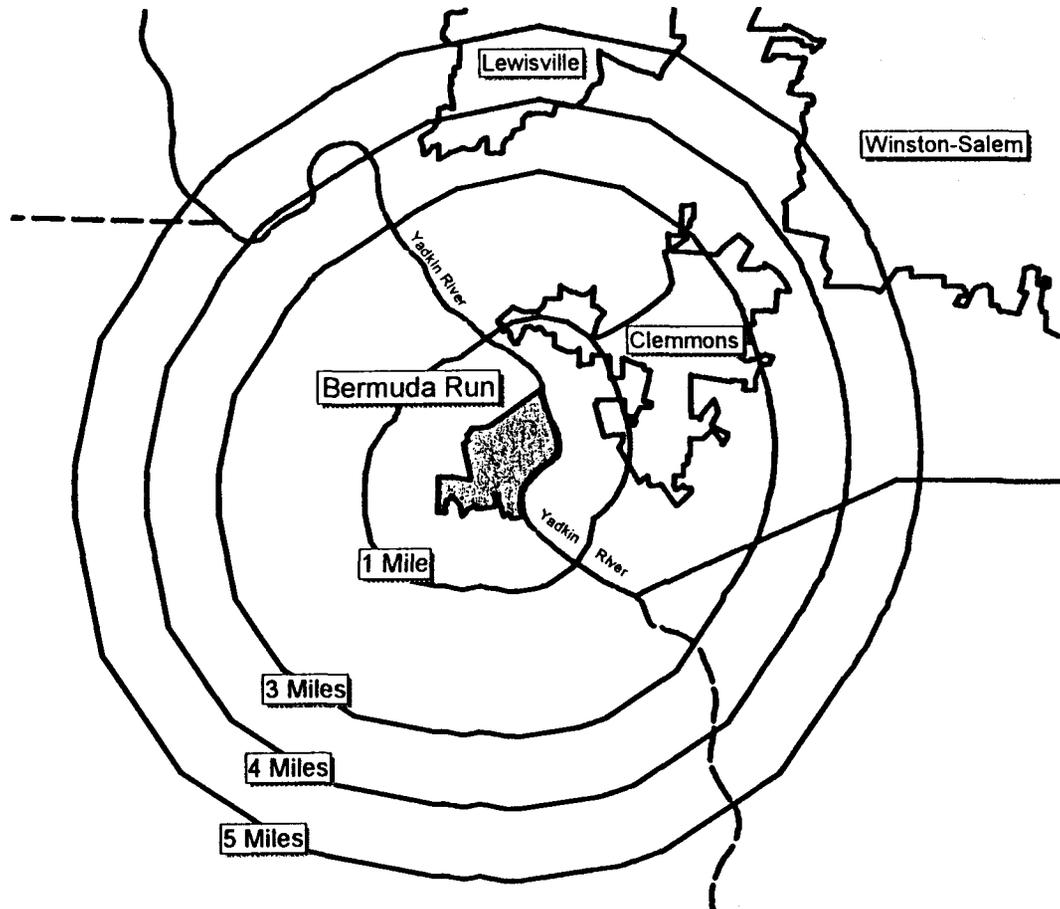
§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

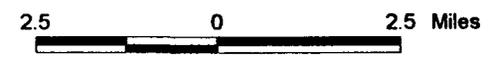
- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The nearby municipality by resolution expresses its approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

Bermuda Run Area
Davie County
Municipal Incorporation Study
Phase 1



Legend

- Bermuda Run Area
- City Limits
- County Boundary



Map prepared 01-19-99

1 Chapter 11

2 Corporate Boundaries

3 2.1 Town Boundaries. Until modified in accordance with law, the boundaries of the Town of
4 Bermuda Run are as follows:

5 Being the following tracts and parcels of land located in Davie County, North Carolina and being
6 more particularly described as follows:

7 TRACT 1:

8 BEGINNING at an iron pin located in the western right-of-way line of N.C. Hwy. 801, said iron
9 pin being the southeast corner of the property owned, now or formerly, by Thad J. Bingham
10 (Deed Book 155, Page 348) running thence with the western right-of-way line of N.C. Hwy. 801
11 South 08° 10' 24" East 1912.47 feet to an iron pin; thence leaving the right-of-way line of N.C.
12 Hwy. 801, South 72° 59' 35" West 15.00 feet to an iron pin marking the northeast corner of Lot 1
13 Hidden Creek; thence with the northern line of Lot 1, South 72° 59' 35" West 224.95 feet to an
14 iron pin at the northwest corner of Lot 1 and the northeast corner of Lot 2 Hidden Creek; thence
15 with the northern line of Lots 2 and 3 Hidden Creek, South 66° 20' 15" West 360.27 feet to an
16 iron pin located at the northwest corner of Lot 3 and the northernmost corner of Lot 4 Hidden
17 Creek; thence with the northwest lines of Lots 4 and 5 Hidden Creek, South 35° 56' 00" West
18 303.72 feet to an iron pin located at the westernmost corner of Lot 5 Hidden Creek and in the
19 northeast line of Hyfield Drive; thence crossing Hyfield Drive and with the northwest lines of Lots
20 6, 7 and 8 Hidden Creek, South 47° 14' 57" West 399.60 feet to an iron pin located at the
21 northwest corner of Lot 8 and the northeast corner of Lot 9 Hidden Creek; thence with the eastern
22 lines of Lots 34, 35, 36, 37, 38, 39 and 40 Hidden Creek (and crossing Creekside Drive between
23 Lots 37 and 38) North 10°, 45' 05" West 920.73 feet to an iron pin; thence with the northeast lines
24 of Lots 40, 41, 42 and 43 Hidden Creek, North 41° 21' 21" West 493.44 feet to an iron pin at the
25 northernmost corner of Lot 43 Hidden Creek, said iron pin also being in the southeast line of
26 Seldem Farm Lane; thence with the southeast line of Seldem Farm Lane, North 48° 46' 18" East
27 40.00 feet to an iron pin; thence crossing Seldem Farm Lane and with the northeast line of Lot 44
28 Hidden Creek, North 41° 22' 04" West 260.00 feet to an iron pin; thence with the northwest lines
29 of Lots 44, 45, 46 and 57 Hidden Creek (and crossing Talwood Drive between Lots 45 and 46)
30 South 48° 39' 39" West 630.21 feet to an iron pin; thence South 26° 20' 51" East 144.72 feet to an
31 iron pin located in the northern line of Creekside Drive; thence with the line of Creekside Drive
32 on a curve to the left having a radius of 59.00 feet, a length of 131.81 feet, a chord bearing
33 and distance of South 29° 12' 34" West 106.06 feet to a point; thence leaving the right-of-way
34 line of Creekside Drive, South 55° 12' 28" West 105.00 feet to an iron pin; thence South 04°
35 47' 21" East 510.00 feet to an iron pin located at the northeast corner of the property owned, now
36 or formerly, by Ralph and Renai Holland (Deed Book 176, Page 558) ; thence with the northern
37 line of said Holland, North 87° 21' 41" West 596.11 feet to an iron pin located in the eastern line

Metes and Bounds Attachment
Bermuda Run Petition for Incorporation

1 of property owned, now or formerly, by Oak Valley Associates (Deed Book 169, Page 331) ;
2 thence with the eastern line of Oak Valley, North 04° 11' 45" East 1830.87 feet to a post located
3 in the southern line of property owned, now or formerly, by Ervin and Eva Wilson (Deed Book
4 42, Page 468); thence with the southern line of said Wilson, North 73° 05' 24" East 38.74 feet
5 to a concrete post located at Wilson's southeast corner; thence with the eastern line of
6 Wilson and continuing with the eastern line of property owned, now or formerly, by William
7 and Peggy Long (see Estate File 90E-127), North 02° 42' 46" East 593.04 feet to a concrete
8 post located at the northeast corner of Long and located in the southern line of property
9 owned, now or formerly, by Roy L. Potts (Deed Book 112, Page 274); thence with the
10 southern line of Potts, South 87° 31' 30" East 950.91 feet to an iron pin located at the
11 southeast corner of Roy L. Potts and at the southwest corner of Thad J. Bingham (Deed
12 Book 155, Page 348); thence with the southern line of Bingham, South 86° 34' 27" East 1351.89
13 feet to the point and place of BEGINNING and containing approximately 116.501 acres, more or
14 less, as shown on the survey prepared by Marvin S. Cavanaugh & Associates dated March 27,
15 1998, Drawing No. 98-40B, reference to which is hereby made for a more particular description.

16 **TRACT 2:**

17 All of the property in Davie County, North Carolina, located:

- 18 (A) West of the Yadkin River;
19 (B) South of the center line of U.S. Hwy. 158;
20 (C) East of the center line of N.C. Hwy. 801; and
21 (D) North of a line described as follows:

22
23 BEGINNING at an iron pin located at the intersection of the eastern line of N.C. Hwy. 801 and the
24 northern line of Lybrook Drive (S.R. 1660) and running with the northern line of Lybrook Drive
25 and the southern line of Jamesway subdivision, North 80° 55' 58" East approximately 1,346 feet
26 to the southwest corner of property owned by John C. Brendle (Deed Book 120, Page 448) ;
27 thence with the western line of Brendle and Philip McKenzie (Deed Book 94, Page 503), in a
28 northerly direction approximately 815 feet;
29 thence continuing with the line of McKenzie in a easterly direction of 42 feet;
30 thence continuing with the western line of McKenzie in a northerly direction approximately
31 262 feet to the southern line of Jamesway Subdivision;
32 thence with the northern line of McKenzie, South 78° 58' 16" East 158.01 feet;
33 thence South 04° 21' 19" East 55.69 feet; thence in a southeasterly direction with the
34 northeast line of McKenzie approximately 87 feet to the western line of Highlands at
35 Bermuda Run Subdivision (Plat Book 6, Page 17 and 18);
36 thence in a southerly direction approximately 1,527 feet with the western line of Lots 20, 19, 18,
37 17, 16, 15, 14 and 13 to a point located in the northern line of Lots 13 Raintree Estates;

Metes and Bounds Attachment
Bermuda Run Petition for Incorporation

1 thence with the northern line of said Lot 13 Raintree Estates and the southern line of Lot 13 of the
2 Highlands Subdivision, South 75° 29' 22" East 77.63 feet to an iron pin;
3 thence with the center of a branch in an easterly direction with the southern lines of Lots 13 and 12
4 Highlands Subdivision, and the northerly line of Gary Honbarrier (Deed Book 142, Page 640),
5 approximately 475 feet to the southeast corner of Lot 12 Highlands;
6 thence South 61° 55' 26" East 38.12 feet to a point;
7 thence South 23° 38' 27" East 238.04 feet to a point;
8 thence South 23° 35' 52" East 44.80 feet to a monument;
9 thence South 85° 37' 48" East 304.96 feet to a stone and North 74° 32' 02" East 540.71 feet to an
10 iron located on the western bank of the Yadkin River, it being the intention to include, without
11 limitation, all the property conveyed to: (1) WFERCC, LLC at Book 201, Page 445; Bermuda
12 Village, Inc. at Book 117, Page 197; William A. JBurnette at Deed Book 130, Page 233, Deed
13 Book 158, Page 828 and Book 162, Page 775; and all property shown on the following plats
14 recorded in the Davie County Registry. (1) Highlands at Bermuda Run (Plat Book 6, Pages 17 and
15 18); (2) River Hill (Plat Book 5, Page 212 and 213); (3) Jamesway at Bermuda Run (Plat Book 6,
16 Pages 46, 47 and 48); (4) Hamilton Court (Plat Book 5, Pages 195, 203, 207 and 224); (5)
17 Pembroke Ridge (Plat Book 5, Page 145); (6) St. George Place (Plat Book 5, Page 192); (7)
18 Bermuda Run Golf and Country Club (Plat Book 4, Pages 79, 80, 81, 82, 83, 84, 85, 86, 87, 88,
19 89, 90, 91, 92, 93, 94, 95, 96, 97, 103, 116, 148, 156; Book 5, Pages 2, 13, 15, 24, 28, 31, 32, 34,
20 36, 39, 43, 44, 45, 46, 86, 94, 100) and (8) Warwick Place (Plat Book 5, Page 171.
21 Less and except, however, that certain property located Southeast of the intersection of U.S. Hwy.
22 158 and North Carolina Hwy. 801 and being shown on Davie County Tax Map D-8-8, and
23 designated as parcels C-2, C-3, C-4, C-5, C-5.01, C-7, C-8 and D-8.

24 TRACT 3:

25 All property located within the right-of-way of N.C. Hwy. 801 to the extent such segment of the
26 right-of-way is bounded on the west by Tract I above AND on the east by Tract 2 above.

Feb-09-99 02:12P t

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P.02

**RESOLUTION CONCERNING
INCORPORATION OF THE
PROPOSED TOWN OF BERMUDA RUN**

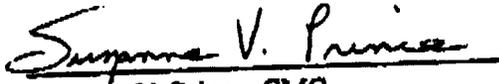
Resolution number 99-R-6

BE IT RESOLVED (without expressing an opinion concerning the merits) that the Village of Clemmons acknowledge to the North Carolina General Assembly its approval of the incorporation of the Town of Bermuda Run, North Carolina in accordance with N.C. General Statute Section 120-166(b)(3).

Adopted by unanimous vote this the 8th day of February, 1999.


William C. McGee, Jr.
Mayor

Attest:


Suzanne V. Prince, CMC
Village Clerk





City of Winston-Salem
North Carolina
27102

OFFICE OF THE
MAYOR

January 26, 1999

Mr. Don R. House
Attorney for proposed
Town of Bermuda Run, NC
3325 Healy Drive
Winston-Salem, NC 27103

Dear Don:

This letter will confirm that the City of Winston-Salem does not have any interest or intentions regarding Bermuda Run.

We look forward to being good neighbors and wish your incorporation full success.

Sincerely,


Jack Cavanagh, Jr.
Mayor

APPENDIX E

**Assessment of Petition
by
Bermuda Run
(Davie County)
for
Incorporation**

**Relative to NC G.S. 120-167.
through NC G.S. 120-170.**

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Bermuda Run relative to NC G.S. 120-167. through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167. Additional criteria: population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100. The petition indicates an estimated population of 1,650, which is well in excess of the minimum requirement. The Division of Community Assistance (DCA) performed a land use survey of the subject area. That survey identified 806 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.55 persons per occupied dwelling and an occupancy rate of 94 percent. This suggests that 1,932 persons are likely to reside in those 806 dwellings. However, the subject area consists of primarily mature households. This is exemplified by the 140 unit apartment complex for seniors. Therefore, it is likely that the county value for persons per occupied dwelling is rather high for the subject area. A population of 1,650 (as indicated in the petition) is a reasonable estimate for the area in question. It appears that NC G.S. 120-167. is satisfied.

NC G.S. 120-168. Additional criteria: development.

NC G.S. 120-168. refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.(1985 (Reg. Sess., 1986), c. 1003, s. 1.)".

DCA used a land use survey combined with an analysis of assessment value relative to lot size to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. This assessment used a residential density minimum of 1 unit per 5 acres as developed for residential purposes.¹ Vacant parcels, forested parcels, or parcels where agricultural use was predominant were considered "undeveloped". For large tracts that were only partially occupied by for commercial, industrial, institutional, or governmental uses the estimated area occupied by those uses was considered as developed. DCA's analysis indicated that 78 percent of the subject area is developed (please refer to Table Exhibit 1 and Map A, Appendix A). It appears that NC G.S. 120-168. is satisfied.

¹ Reference NC G.S. 160A-41.(2)

**Table Exhibit 1:
Development Relative to NC G.S. 120-168.**

Land Use	Acres
Residential	365
Commercial	340
Institutional/Governmental	6
Undeveloped	199
Total	910
Total Acreage Developed	711
% Developed	78%

NC G.S. 120-169. Additional criteria; area unincorporated.

NC G.S. 120-169. requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Bermuda Run with the most recently updated NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of any incorporated municipality. It appears that NC G.S. 120-169. is satisfied.

NC G.S. 120-170. Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base.² DCA compared the property tax rates, property assessment values, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Bermuda Run.

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were \$0.50/\$100 assessment and \$300,313, respectively. In order for the proposed Town of Bermuda Run to generate similar revenues it would have to levy a property tax rate of \$0.18/\$100 assessment (assuming a total assessment of \$174,072,340 and a collection rate of 97 percent).

The petition indicated that the proposed town does plan to provide services that are similar to other municipalities of comparable population. Given the estimated assessment valuation it is most likely that the community could provide such services at a reasonable tax rate. It appears that NC G.S. 120-170. is satisfied.

² Please note that the County tax record information provided to DCA contained some anomalies and was missing some data. Major discrepancies were addressed but some values may still be missing. It is most unlikely that the missing data would affect the conclusions presented in this report.

**Table Exhibit 2:
Property Tax Rate and Revenues Comparison**

Municipality	Population	Tax Rate/\$100 FY1997-98	Property Tax Revenue
Biscoe	1,606	0.42	\$331,489
Jonesville	1,614	0.60	\$348,480
Mars Hill	1,619	0.50	\$228,175
Murphy	1,621	0.51	\$449,915
Coats	1,649	0.69	\$246,479
Kenly	1,703	0.50	\$328,407
Rockwell	1,707	0.32	\$243,976
Green Level	1,711	0.25	\$81,198
Elm City	1,753	0.63	\$245,387
Tryon	1,785	0.58	\$499,622
	Average Tax Rate \$0.50/\$100		
	Average Property Tax Revenue \$300,313		

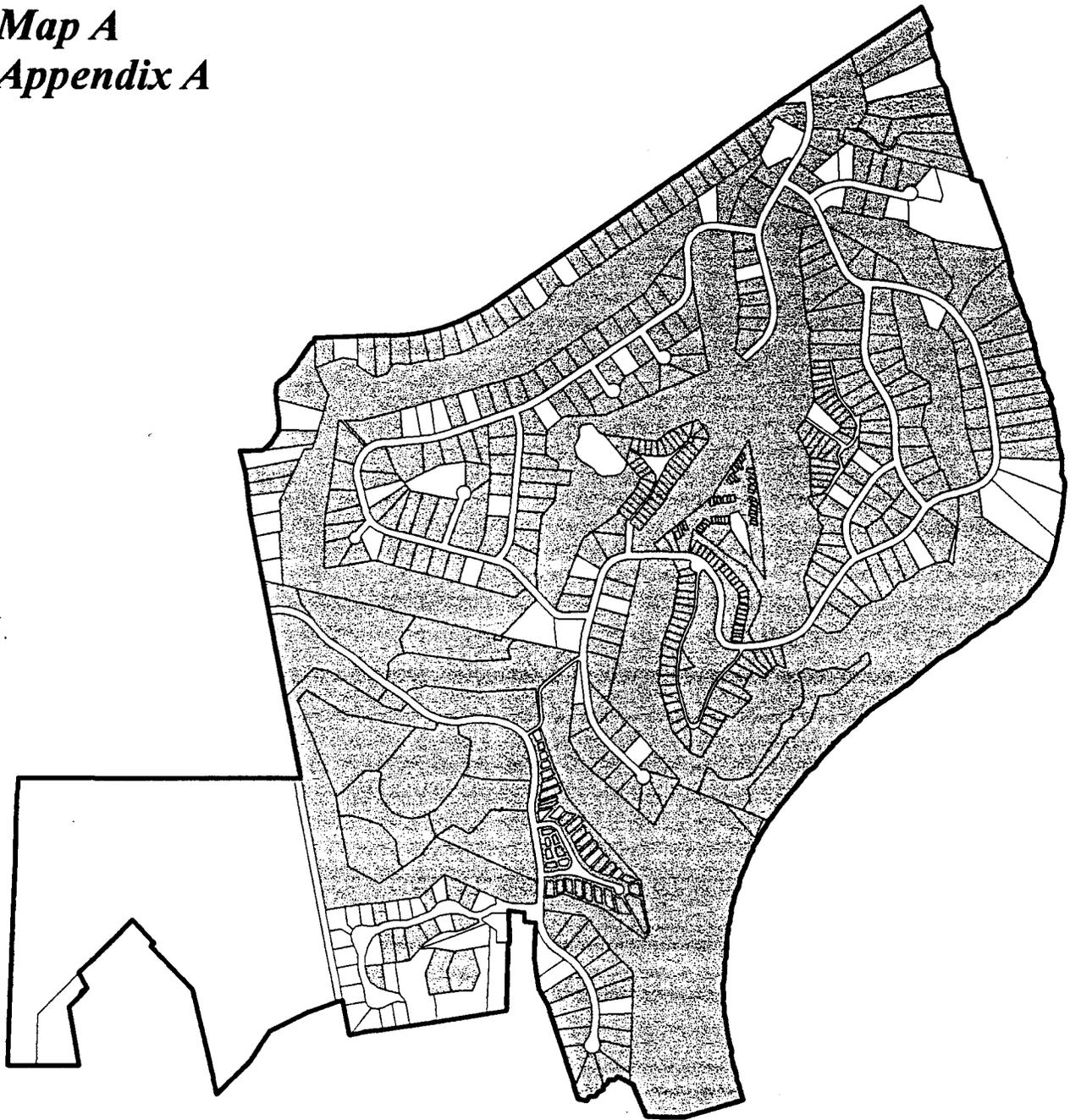
Conclusion

Based on the forgoing, it appears that the proposed Town of Bermuda Run satisfies the North Carolina General Statutes 120-167 through 120-170. **Accordingly, the Commission on Municipal Incorporations may make a positive recommendation on the incorporation of the proposed Town of Bermuda Run.**

Information sources:

- Petition for Incorporation of the Town of Bermuda Run
- 1990 US Census Summary Table 1A (referenced 03/02/1999)
<http://www.census.gov/cgi-bin/datamap/cnty?37=059>
- Davie County Tax Assessors Office, Tax Maps and 1998 Assessment Data.
- North Carolina League of Municipalities (referenced 03/01/1999)
<http://ncinfo.iog.unc.edu/NCLM/General/Reports/reports.html>
- North Carolina Office of State Treasurer (referenced 03/01/1999)
<http://www.treasurer.state.nc.us/frlgc.htmf>
- NC DOT GIS Data Layers, Distributed by NC CGIA (1998)

Map A
Appendix A



Bermuda Run Area
Municipal Incorporation
Phase II Study

Legend

-  Bermuda Run Area
-  Developed Land
-  Undeveloped Land

